

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jeffery P. Erickson

Serial No.: 10/505,191

Filed: 06/24/2005

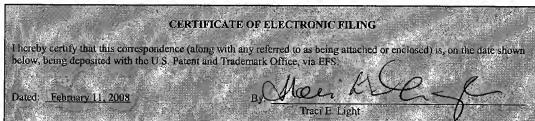
Entitled: **Anticancer Compounds And Methods**

Art Unit: 1632

Examiner: Sgagias, M.

**DECLARATION OF DR. THOMAS WHEELER
UNDER 37 CFR § 1.132**

Mail Stop –Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Examiner Sgagias:

I, Thomas Wheeler, Ph.D. under penalty of perjury, state that:

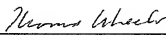
1. I am an employee of AgResearch, Ruakura Research Centre, Hamilton, New Zealand. I am considered an expert in the field of salivary proteins, particularly those of farm animals.
2. I first identified and sequenced the bovine salivary protein (bSP) gene and protein in the mid-1990's. In particular, I sequenced two versions of the bSP30 gene (Version A and Version B). These sequences were made available to the public

in 1996 and published as Accession Number U79413 (Version A) and Accession Number U79414 (Version B). See, Tab A & Tab B, respectively.

3. At the same time, I co-authored a publication describing the electrophoretic isolation of the bSP30 protein and generated a preliminary amino acid sequencing analysis of bSP30. Rajan et al., "The relative abundance of a salivary protein, bSP30, is correlated with susceptibility to bloat in cattle herds selected for high or low bloat susceptibility" *Animal Genetics* 27:407-414 (1996). See, Tab C. In this publication, we suggested that genetic differences in the bSP30 promoter may be responsible for increased bSP30 expression in high bloat susceptible cattle. Further, I concluded that bSP30 salivary proteins were: i) relatively abundant in the parotid gland; and ii) not related to the acidic proline-rich proteins. This suggested that bSP30 was a parotid salivary protein (PSP) as it is now categorized.
3. Shortly thereafter, a genealogical analysis of the bSP30 nucleic acid and amino acid sequences confirmed their relation to other parotid salivary proteins (PSPs). Wheeler et al., "The BSP30 salivary proteins from cattle, LUNX/PLUNC and von Ebner's minor salivary gland protein are members of the PSP/LBP superfamily of proteins" *Biochim Biophys ACTA* 1579:92-100 (2002). See, Tab D. In this publication, I affirmed the hypothesis inherent in the Rajan et al. 1996 publication that the bSP30 proteins were structurally and functionally similar to PSP proteins such that they can be considered part of the same family.

4. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Dated: February 7, 2008



Dr. Thomas Wheeler